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MAR 30 2011

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TINA BRADWAY, INDIVIDUALLY AND AS  
ADMINISTRATRIX OF THE ESTATE OF TONY  
BRADWAY,

5

6

Plaintiff,

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- against -

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THE TOWN OF SOUTHAMPTON, LINDA K. KATBOT  
AND JOHN DOES 1-10 CONSISTING OF  
INDIVIDUALS TO BE DETERMINED,

9

10

Defendants.

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12

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February 16, 2011  
2:00 P.M.

14

1425 Rexcorp Plaza  
Uniondale, New York

15

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DEPOSITION of RICHARD S. BLUM, the

18

Non-Party Witness herein, taken pursuant to Notice,

19

and held at the above time and place before Edna

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Conway, a Stenotype Reporter and Notary Public of the

21

State of New York.

22

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RADAZO REPORTING, INC. (516) 248-1020

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2 A P P E A R A N C E S :  
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6           RUSKIN, MOSCOU & FALTISCHEK, P.C.  
7           Attorneys for Plaintiff  
8           1425 Rexcorp Plaza  
            Uniondale, New York 11556

9           BY:       THOMAS A. TELESKA, ESQ.  
10  
11

12           DEVITT, SPELLMAN BARRETT, LLP  
13           Attorneys for Defendants  
14           50 Route 111 (Suite 314)  
            Smithtown, New York 11787

15           BY:       JELTJE DEJONG, ESQ.  
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19  
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21                   \*\*\*           \*\*\*           \*\*\*  
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2 IT IS HEREBY STIPULATED AND AGREED by and  
3 between the attorneys for the respective parties  
4 hereto, that filing, sealing, and certification are  
5 hereby waived;

6 IT IS FURTHER STIPULATED AND AGREED that all  
7 objections, except as to the form of the question,  
8 shall be reserved to the time of the trial;

9 IT IS FURTHER STIPULATED AND AGREED that the  
10 within Deposition may be signed before any Notary  
11 Public with the same force and effect as though  
12 subscribed and sworn to before this Court.

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R I C H A R D S. B L U M, the Witness,

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having been first duly sworn by the

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Notary Public, was examined and

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testified as follows:

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EXAMINATION BY

7

MS. DEJONG:

8

Q Please state your name.

9

A Richard S. Blum.

10

Q Please state your current address.

11

A 25 Spruce Drive, East Hills, New York

12

11576.

13

Q Good afternoon, my name is Jeltje Dejong.

14

I represent the Town of Southampton with regard to a

15

case, Bradway versus Town of Southampton. I

16

understand that you have been retained to provide

17

expert opinion with regard to some issues in this

18

case.

19

If you don't understand any of my

20

questions, please tell me and I will rephrase them.

21

If you want to take a break, let us know and we will

22

take a break at any point that you want to; okay? Do

23

you understand that?

24

A Yes.

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Q You have to answer any questions verbally

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because the court reporter can't take down nods of  
the head or a uh-uh or those kinds of things; okay?

A Okay.

Q You received your medical degree from  
Chicago Medical School in 1963?

A Correct.

Q Did you specialize after that in any area  
of treatment?

A Of medicine?

Q Yes.

A Yes.

Q What areas?

A Internal medicine.

Q Were you Board Certified in any specific  
areas?

A Internal medicine.

Q Did you maintain a practice, medical  
practice?

A Yes, ma'am.

Q For how long did you have that practice?

A It is from 1969 until present.

Q You have an active medical practice today?

A Correct.

Q Where is that?

RICHARD S. BLUM

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A Two locations.

Q Okay.

A One is 720 Northern Boulevard in Brookville, New York and the other is at 25 Spruce Drive.

Q That is your home?

A Correct.

It is a much smaller practice than the other one.

Q And you received a post-doctoral degree in pharmacology and toxicology in 1976?

A I have the training. There is a degree on the books of Saint John's called a B Masters, but there's been no formal degree at a graduation.

Q So there's no formal degree; is that what you are saying, Doctor?

A There's a degree on the books of the university, but there's been no graduation. I can explain, if you wish.

Q Would you, please?

A I enrolled in the PhD program. To get a PhD one must complete a Master's, successfully complete Master's training. I successfully completed the Master's training and never completed the PhD

RICHARD S. BLUM

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2 itself. So I have on the books of the university  
3 what is known as a B Masters, meaning that I got a B  
4 or better in every course necessary to get the  
5 Masters degree in Pharmacology, but it was never  
6 offered because I wasn't enrolled in the Master's  
7 program.

8 Q You never followed up on that?

9 A No, I couldn't.

10 Q Did you review any documents in order to  
11 prepare for today's deposition?

12 A Yes, I did.

13 Q What did you review?

14 A I reviewed the hospital records of Peconic  
15 Bay and I read the depositions from the Police  
16 Department, of the Officer involved. I don't  
17 remember the names.

18 Q Other than your medical practice, do you  
19 receive income in your capacity as a consultant?

20 A Oh, sure.

21 Q Do you segregate the income that you get  
22 as a consultant as opposed to the income that you get  
23 as a physician?

24 A No, it all goes into one corporation.

25 Q What is that corporation?



RICHARD S. BLUM

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A It's called RB Industries.

Q Are you an officer of that corporation?

A Yes.

Q What are you?

A Basically chief cook and bottle washer.  
It's me, that's the corporation.

Q How long has the corporation been in effect?

A Since the mid-eighties.

Q What is the purpose of the corporation?

A It started out as a research and development corporation for my patents.

Q What is it today?

A It is still stated as research and development. The patents never got through to marketing.

Q Did you testify that all of your income goes to the corporation?

A All of my income that I produce, but not any income from investments, that doesn't go there.

Q So, income that you receive from your practice, medical practice, goes into the corporation?

A Correct. Everything that I get would be

RICHARD S. BLUM

funneled into the corporation.

Q Income that you receive as a consultant gets funneled into the corporation?

A Correct.

Q I am assuming that you are a consultant to members of the legal profession; would that be correct?

A Correct.

Q Do you consult for anybody else?

A I have done pharmaceutical consults, hospitals, I guess governmental agencies, federal agencies. I think that's about it.

Q About what percentage of your consulting is with the legal profession?

A Oh, I would say that would be easily 90 percent.

Q For how long have you been consulting to the legal profession, when did you first start?

A I think it was '74, '75. It is somewhere in the mid-seventies.

Q Generally what areas do you consult about with the legal profession?

A It could be drug abuse, drug use, internal medicine, clinical pharmacology. That's basically

RICHARD S. BLUM

1  
2 it.

3 Q If you can say a percentage, could you  
4 tell me the percentage of the cases where you were  
5 retained by defendants as opposed to plaintiffs?

6 A Yes. I would say about 85 percent  
7 defense, 15 by plaintiff.

8 Q Can you tell me what your income was as a  
9 result of consultations with the legal profession for  
10 the year 2010?

11 A I can only give you a percentage. I can't  
12 give you a dollar value because it was never broken  
13 down by any dollar value by my accountant.

14 I know the percentage was 18 percent.

15 Q What was the total income that you  
16 received in 2010?

17 A Total income I think was about \$300,000.  
18 I am not sure because that's on the tax returns. He  
19 breaks it down that way.

20 Q Would you say that 18 percent is typically  
21 the percentage of income that you get on a yearly  
22 basis --

23 A Excuse me. You said 2010?

24 Q Yes.

25 A No, that would have to go back to 2009.

RICHARD S. BLUM

2010 hasn't been done yet. I just realized that.

The 2010 return is not in yet.

Q Correct.

How about 2009?

A That was 2009.

Q Would you say that 18 percent was the typical amount of the percentage of your income with regard to the consultation to the legal profession?

A Last here it dropped off dramatically. So I would say that last year was less, but I can't give you the percentage at the present time.

Q So you cannot give me the percentage of income that you received as a result of consulting with the legal profession in the year 2009?

A 2010 I can't give you. 2010 was less than 2009. I know that 2009 was 18 percent.

Q What about 2008?

A That was a little bit less than '09, but I don't think it was that much less.

Q Where did the majority of your income come from?

A It comes from investments.

Q What percentage of your income in the year 2009 came from your medical practice, approximately?

RICHARD S. BLUM

A Maybe five percent.

MS. DEJONG: Please mark this as

Exhibit A.

(Curriculum vitae was marked as

Defendant's Exhibit A for identification as of

this date.)

Q Before we go to what has been marked as  
Defendant's Exhibit A; do you have advertise with  
regard to your consultation services?

A No, ma'am.

Q You don't have a website or anything like  
that?

A No.

Q How is it that you get business with  
regard to the consulting?

A Word of mouth and excellence in product.

Q I would ask that you look at what has been  
marked as Defendant's Exhibit A. This is your  
curriculum vitae, would that be accurate?

(Indicating)

A Yes.

Q Is this the most recent that you have  
written? It contains 15 pages.

A Yes. There maybe just -- I think there's

RICHARD S. BLUM

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2 just one more editorial, but there's nothing big that  
3 would be added to this.

4 Q Can you tell me briefly, if you can, what  
5 the science of pharmacology is; what is the field?

6 A It is the study of drugs and poisons.

7 Q That's a good one.

8 A Isn't it? All poisons are drugs and all  
9 drugs are poisons.

10 Q Have you ever given any presentations or  
11 seminars with regard to the qualities of cocaine?

12 A I am sure I have spoken on it somewhere  
13 over the years.

14 Q But what I am asking you is, do you have  
15 any specific recollection of any specific  
16 presentation that you made with regard to the  
17 qualities of cocaine?

18 A I don't recall any specific ones.

19 Q Did you ever attend any presentations or  
20 seminars regarding the treatment of cocaine overdose?

21 A Let me put it this way; I have been  
22 involved with drug abuse by opening the first  
23 methadone clinic in the City of New York in 1969. I  
24 have been involved with drug abuse from '69 until  
25 just about the present day and during that time I am

RICHARD S. BLUM

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2 sure that I have encountered that topic, but I don't  
3 recall specific educational endeavors on that basis.

4 Q So you don't recall ever attending any  
5 presentations or seminars regarding the treatment of  
6 cocaine overdose?

7 A I am sure I have, but I can't tell you  
8 chapter and verse in the last 40 some-odd years.

9 Q So what did you do with regard to this  
10 methadone clinic?

11 A I was medical director.

12 Q For how long were you medical director?

13 A For ten years.

14 Q That's from '69 to '79?

15 A Just about, yes.

16 Q Where was this methadone clinic?

17 A Long Island Jewish.

18 Q What did you do as medical director?

19 A Took care of all medical aspects from  
20 examining patients, dosing patients, deciding whether  
21 they should or should not be patients, interpreting  
22 laboratory data.

23 Q And these patients would be patients who  
24 were candidates for methadone treatment?

25 A They presented for methadone treatment by

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one means or another.

Q Did you ever treat anyone at that methadone clinic for a cocaine overdose?

A No.

Q In 1979 about how many people were employed at that clinic?

A Employed, probably about ten to twelve.

Q How many of them were physicians, how many of the ten to twelve?

A One.

Q Who was that?

A Me. That's the year that I left.

Q You left in '79? I believe you testified that you had been dealing with the methadone clinic from '69 until present?

A No. No, drug abuse to present, but '69 to '79 for that clinic.

Q Your involvement with the methadone clinic, was that what you meant by dealing with drug abuse for that period of time from 1969 to 1979?

A I was then invited to sit on many other committees, forums, etc., in the drug abuse field.

Q Is that what you meant by being involved in drug abuse until present?



RICHARD S. BLUM

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A Yes.

Q What were those committees?

A I was appointed by the New York Governor to the Drug Abuse Advisory Committee for New York State.

Q Which Governor --

A I think it was Carey. I don't recall. It goes back.

That existed for a number of years. I sat on the Drug Abuse Committee for the Medical Society of the State of New York, Drug Abuse Committee for the Nassau County Medical Society.

Q Go ahead.

A I become involved with ASAM, that's the Association for Addiction Medicine, American Society of Addiction Medicine, and then I would be called in periodically at the hospital about drug abuse cases.

Q Which hospital?

A St. Francis.

Q Anything else?

A No.

Q When were you on this drug abuse advisory committee that Carey appointed you to?

A I would have to look in here.

RICHARD S. BLUM

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(Indicating)

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Q Feel free. "Here" being Exhibit A.

4

A Yes. One in here -- I don't know. It is going to take a while to look through this here. I know it's in here somewhere.

7

MS. DEJONG: Off the record.

8

(Discussion was held off the record.)

9

A 1980. It isn't to the present any longer.

10

It was disbanded, but I don't know the date it was

11

disbanded.

12

Q Do you know the year?

13

A No, I can't give it to you.

14

Q Was it more than ten years ago?

15

A Oh, yes. I would say somewhere in the

16

mid-90's.

17

Q What did you do on this committee?

18

A It was an advisory committee.

19

Q How often did it meet?

20

A It would meet periodically. I think we'd

21

meet four to six times per year. We'd get together

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throughout the state.

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Q And the Drug Abuse Committee for New York

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State --

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A Yes.

RICHARD S. BLUM

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Q -- is that the same thing?

A Yes. Well, New York State Medical Society is different.

Q Okay, and so --

A That was New York State as the State. This is the medical society of the State.

Q So when did you become a member of that?

A 1981.

Q For how long were you a member of that?

A Until that disbanded. That would be about -- I would say about 2000, the late '90's or 2000.

Q What did this committee do?

A We would discuss various topics of drug abuse and therapy on how to treat patients, problems that were existing in different parts of the State because drug abuse could be regional. People on one end of the State maybe using drugs differently than people at the other end of the State. We would get together to discuss that. That was about four or five times a year also.

Q Where would you get-together?

A At the medical society.

Q Which is where?

RICHARD S. BLUM

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A It used to be on Lakeville Road, 410  
Lakeville Road.

4

Q Nassau County?

5

A Yes.

6

Q Where in Nassau County?

7

A Just barely, Lake Success. The back of  
the building was actually in Queens.

9

Q And the Drug Abuse Committee in Nassau  
County, when were you on that?

11

A Again, from the '70's until that disbanded  
also. That would be, I would say, early to  
mid-'90's.

14

Q What did you do there?

15

A It was a consultation. This became more  
local on the drug treatment facilities, who could  
staff treatment facilities in the Nassau area, what  
drugs were prevalent, what was seen at various areas  
in the county, things of that nature.

20

Q Did you say that also disbanded in the  
mid-'90's?

22

A Yes.

23

Q What about the Association for Addiction?

24

A I was a member of that for about -- That  
was addiction services. I was a member of that until

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I got injured. So I would say I was a member of that for about five or six years.

Q Now, during the time that you were a member of any of those committees, did you ever give a presentation with regard to the qualities of cocaine?

A You mean formal presentation?

Q Yes.

A I don't recall any.

Q Did you ever give a presentation with regard to the treatment of overdose of cocaine?

A No.

Q Now, you also testified that you were called in periodically by St. Francis Hospital with regard to drug abuse cases?

A Yes.

Q Were you ever called in with regard to treatment of a patient who was overdosing on cocaine?

A No.

Q Is there anything in your curriculum vitae in any way that refers to cocaine or overdosing of cocaine?

A No. That was not the drug that I was asked most to comment on.

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Q What was the drug that you were most asked to comment on?

A Benzodiazepines.

Q For us non-physicians, could you basically tell use what those are?

A The litany of drugs are everything from Ativan, Xanax, Librium, Halcion, Clonopin. Those were the more common ones.

Q Those are the antidepressants?

A Let's put it this way, antianxiety with multiple other characteristics.

Q Have you ever written any publications about the treatment of cocaine overdose?

A No.

Q Could you tell me what experience, if any, you have with regard to the medical treatment of cocaine overdose?

A I have seen people who have overdosed. I have read about it. The acute therapy I wasn't involved in. I know people who had because they all came into the methadone clinic sooner or later or in my other endeavors where I ran the Committee on Physician's Health for the Medical Society and the Department of Health for New York State. This was

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for all of the impaired physicians who had been involved with these substances also.

Q So you have seen it?

A I have seen it.

Q And read about it?

A Seen the aftermath. I have studied about it, but being called in at the actual moment, no.

Q Now, you have given sworn testimony before?

A Definitely.

Q Can you give me an approximation of about how many times you have testified under oath both at deposition and/or at trial?

A About 110 or combined.

Q Have you ever been retained in any cases involving cocaine overdose?

A Suspected in one.

Q When was it that you were involved or retained?

A That was about somewhere in the neighborhood of five to eight years ago.

Q So that would be 2003?

A Somewhere in the early 2000's, yes.

Q Did you testify at a deposition?

RICHARD S. BLUM

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A No.

3

Q Did you testify at trial?

4

A Yes.

5

Q Do you remember the name of the case?

6

A Yes.

7

Q What was the name of the case?

8

A Kanyi versus Mary Immaculate.

9

Q Who were you retained by, the plaintiff or

10

the defendant?

11

A Defense.

12

Q Could you just briefly describe what the

13

issue was that you were retained for?

14

A There was an individual who was discovered

15

at Kennedy Airport not looking well. He turned out

16

to be a body packer. Do you want me to explain the

17

term?

18

Q I know what the term is.

19

A Okay, he was found to be a body packer.

20

They didn't know if it was cocaine or heroin at the

21

time. He was taken to the hospital.

22

Q What happened to him?

23

A They had to force surgery on him to remove

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the contents of the condoms from his intestinal

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tract.



RICHARD S. BLUM

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Q Okay. What was the lawsuit about?

A He didn't want surgery, so it was a violation of his civil rights.

Q You represented the hospital?

A Correct.

Q What was the issue that you were testifying about?

A That if he had not undergone the surgery, if one of these things had opened up, his life would be in danger.

Q Do you remember what court this was in?

A Federal Court in Brooklyn. I don't know if that's southern or eastern.

Q Were there any other cases that you were involved in that had issues with regard to cocaine?

A Sure, but no overdoses.

Q No other overdose cases?

A No other overdose cases.

Q What other cases were you involved in that had issues with regard to cocaine?

A Well, I remember Green versus the City of New York.

Q When was that about?

A Five to ten years ago. I'm not sure.

RICHARD S. BLUM

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Q What court was that in?

3

A That was State Supreme Court in Manhattan.

4

Q Did you testify?

5

A Yes.

6

Q Did you testify at a deposition?

7

A No.

8

Q You testified at trial?

9

A Yes.

10

Q What was the issue?

11

A Could cocaine cause priapism.

12

Q What does that mean, priapism?

13

A That is a sustained erection.

14

Q How do you spell?

15

A P-R-I-A-P-I-S-M.

16

Q Who were you representing?

17

A The City of New York.

18

Q What was the plaintiff suing for, if you

19

remember?

20

A It was complicated. He was suing the

21

hospital because they had given him Viagra. He

22

claimed the Viagra caused him to have priapism, the

23

sustained four hour erection, and because of that he

24

needed surgery on the penis and had to have an

25

implant.

RICHARD S. BLUM

It was shown that it could not have been the Viagra which caused it by the various testing that was done. It did show up that he had cocaine in him at the time. Cocaine would have that effect also.

Q Any other cases where you were involved with cocaine?

A I am sure there were a couple. I don't recall offhand. These two stood out because they were trial testimony. The others would be review, but I don't think I ever came to testifying on them.

Q You don't recall what they were?

A I know the reviews involving cocaine, but I don't recall the -- They never came to testimony anywhere. Some were fires and people who had cocaine in them when they were found, autopsy, etc.

Q Have you ever performed an autopsy?

A Only in medical school, assisted.

MS. DEJONG: I am going to mark

this as Exhibit B.

(Fee Schedule was marked as Defendant's Exhibit B for identification as of this date.)

Q Before we get to Exhibit B, Dr. Blum, would you say that you were an expert on the

RICHARD S. BLUM

treatment of cocaine overdose?

A I would say my expertise is in the field of clinic pharmacology and what to do with certain drugs at times. Specifically cocaine, I have never determined that I should be an expert specifically on cocaine, but in drugs in general and what to do with them.

Q And specifically I am referring to the treatment of a patient who has overdosed on cocaine, would you consider yourself an expert with regard to that?

A Compared to other physicians in the community, I would be called on as the expert, but I don't -- There are very few people that would have expertise on how to treat individuals of this nature. As Chairman of Pharmacy and Therapeutics at St. Francis, I would be called upon for expertise if there was no one else around.

Q But you have never treated a patient for an overdose of cocaine, is that correct?

A That's correct.

Q Let's go to what has been marked as Defendant's Exhibit B. I'm going to start with the second page, the most closest litigation. Could you

RICHARD S. BLUM

1  
2 tell me have you been involved in any litigation, in  
3 giving testimony in any case since White versus  
4 Richardson which was April of 2010?

5 A Sure.

6 Q Could you give me the cases that you have  
7 testified in since White versus Richardson?

8 A I don't recall all of them, but I know  
9 that there's Balraj versus White Plains Hospital.  
10 That was yesterday.

11 Q What other cases?

12 A I don't recall anyone else in '10. As I  
13 said, 2010 was a slow year.

14 Q Do you have any records at home that would  
15 refresh your recollection?

16 A I could look up if there was anything from  
17 April through December.

18 Q I would ask that you do that. We will  
19 leave a space in the transcript. If you could look  
20 at your records, speak with your counsel, and maybe  
21 insert it if you find any cases.

22 (INSERT) \_\_\_\_\_  
23 \_\_\_\_\_

24 Q What was Balraj about?

25 A That was a gentleman who claimed an

RICHARD S. BLUM

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adverse drug reaction.

Q To what drug?

A That's a good question. There were three or four involved, it could have been Celebrex, could have been Allopurinol, could have been Amoxicillin.

Q You were retained to give expert testimony with regard to the qualities of these drugs --

A No, as to --

Q -- or properties I should say?

A Actually, the genetics of the adverse drug reaction.

Q Who did you represent?

A White Plains Hospital.

Q In what Court?

A That was in White Plains, Westchester.

Q In Federal Court or State?

A No, that was State.

Q Now, what about White versus Richardson, who did you represent?

A I don't even remember that case. I would have to look all of these up. Some of them I do remember.

Q All right. Could you tell me which ones you remember?

RICHARD S. BLUM

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2 A Williams, I remember.

3 Q Okay.

4 A That was a claimed overdose of Ambien,  
5 that was in Suffolk County.

6 Q In the State Court?

7 A State Court.

8 Q Who did you represent?

9 A That was Dr. Roche.

10 Q What other ones do you remember?

11 A Stoja Vs. HHC.

12 Q Who did you represent?

13 A HHC.

14 Q What is HHC?

15 A Health and Hospitals Corporation of New  
16 York.

17 Q Where was this?

18 A That was in Queens.

19 Q What this trial testimony?

20 A This was trial testimony and it  
21 involved -- Basically it was a diabetic and the use  
22 of insulin.

23 Q What other ones do you remember?

24 A I can remember Tartaglione Vs. Tighe's  
25 Tavern.

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Q And who did you represent?

A Tighe's Tavern.

Q Did you testify at trial or in a deposition?

A That was at trial.

Q Where was that?

A That was in Westchester.

Q Was that in State or Federal Court?

A State.

Q What was the issue?

A That was alcohol values in a auto accident. It was basically a dram shop situation.

Q What other ones do you remember?

A Torrato V. MTA.

Q Who did you represent?

A Plaintiff.

Q Torrato?

A Yes.

Q Where was the case?

A In Brooklyn.

Q In Federal or State Court?

A State Court.

Q Did you testify in Court or did you testify at a deposition?



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A Court.

3

Q What was the issue?

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A Drugs were involved, I forget which ones,

5

but this is a gentleman who wound up underneath a

6

subway train and there were drugs involved somewhere.

7

I don't recall the specific issues.

8

Q Green Vs. HHC, is that Green Vs. The City

9

of New York?

10

A Yes, I described that.

11

Q What other ones do you recall?

12

A Weber Vs. St. Barnabus.

13

Q Who were you retained by?

14

A St. Barnabus.

15

Q Is that a hospital?

16

A Yes, that's a New Jersey case.

17

Q New Jersey State Court?

18

A I think so.

19

Q What was the issue?

20

A There was no -- It was State Court. It

21

was a deposition. It was adverse reaction to a

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contrast agent used in x-rays.

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Q What was that contrast agent, do you

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remember?

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A I forget. One of the iodinated

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substances, I forget exactly which one it was.

Q What other ones do you remember, referring to the list on Defendant's Exhibit B? (Indicating)

A Mandela Vs. Carrier.

Q Who did you represent?

A Carrier.

Q In what Court?

A This was also a New Jersey case and this was also a deposition. This was an adverse reaction to antipsychotic medication in a hospitalized patient.

Q What was the medication, do you remember?

A I don't recall which one. I remember -- I think it was Serotonin Syndrome, but I am not sure exactly which drug was involved.

Q What other cases do you remember?

A Pivonka that was a Frye Hearing.

Q Who did you represent, who were you retained by?

A The defendant.

Q What was the Frye Hearing about?

A It was can this medication cause the developmental abnormalities in the fetus.

Q What was the medication?

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A I don't recall.

Q Who did you represent, Lansman?

A Yes.

Q And what was Lansman?

A It was the physician, I think, who  
prescribed the medication.

Q Going to page one of Defendant's Exhibit  
B, who do you remember?

A Marvin Vs. Wentworth, that was in New  
Hampshire.

Q State or Federal?

A State.

Q Who were you retained by?

A Wentworth.

Q What was the issue?

A I don't recall. I know it was a drug and  
a nursing home. I am not sure exactly of the  
details.

Q Did you testify at trial, or during  
deposition, or both?

A No, this was at trial.

We are pushing it now. Farrior was in  
Tampa, Florida.

Q In State or Federal?

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A State.

Q Who did you represent?

A It was a deposition. St. Joseph's.

Q That's a hospital?

A Yes.

Q What was the issue?

A The issue was did a medication cause an illness, adverse reaction.

Q Do you recall what the medication was?

A No.

I remember Pauline Vs. Rainford also.

Q Who did you represent?

A This was Dr. Rainford.

Q Where was this case?

A This was in Rockland County.

Q State Court am I assuming?

A Yes.

Q Did you testify at a deposition, trial, or both?

A This was at trial.

Q What was the issue?

A This was antibiotics and abscesses.

I'm sorry. I just don't recall the details on the others. I could probably look them

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up.

Q Do you have records at home that would refresh your recollection?

A I have some just sketchy outlines.

Q If you could possibly, I would ask that you provide to your attorney an outline with regard to all of the cases that you haven't been able to recall; that would be Gutierrez, Hauben, Boyle, Harris, Bouhoutsos, Graham, Tedano, Espinal, Eichler, Dicker, Lee, Zullo, Perillo.

A I remember Schiffler. Schiffler was in Westchester.

Q State or Federal?

A State.

Q Who were you retained by?

A Defense.

Q Did you testify at a deposition, trial, or both?

A Trial.

Q What was the issue?

A The issue was adverse reaction to an ace inhibitor.

Q Do you remember what that ace inhibitor was?

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A I forget exactly which one it was. It's one of the blood pressure lowering agents, but I forget exactly which one it was.

Q So if you could, when you look at your records if you could with regard to those cases, put who you represented, what the court forum was, whether it was a deposition, or a trial, and briefly what the issue was and which drug was involved; okay?

A Okay.

Q There were some you testified to that you don't recall the drugs that were involved, that would include Torroto Vs. MTA, Weber Vs --

A I may or may not have that specific information.

Q I appreciate your efforts, doctor.

A I left one out by mistake. She left it out, yes.

Q Weber Vs. Barnabus, you couldn't remember the specific contrast agent?

A I won't be able to identify it. It's one of the iodinated contrast agents. It could be Omnipaque or Visipaque. I am not sure.

MS. DEJONG: I'm going to mark  
this as Defendant's Exhibit C.

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(Report was marked as Defendant's Exhibit  
C for identification as of this date.)

Q Dr. Blum, I ask that you look at what has  
been marked as Defendant's Exhibit C; is that  
familiar to you?

A Yes.

Q Is this a report that you made on behalf  
of the plaintiff in this case?

A Yes.

Q Can you tell me when you were first  
retained by the plaintiff?

A No, probably about a year ago.

Q Can you tell me, have you been paid by  
anyone so far with regard to this case?

A Yes.

Q How much have you been paid so far?

A I can't give you an accurate amount. I  
would say probably in the neighborhood of \$1,500 to  
\$2,000, but I am not sure.

Q Looking at the first paragraph of your  
report you list documents that you have reviewed.  
Was there anything else that you reviewed other than  
what is listed in the first paragraph? (Indicating)

A No.

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Q Did you do any research?

3

A I have looked up various articles, yes.

4

Q What articles did you look up?

5

A I don't know. I scan through Pub Med and

6

I just scan through, I look at abstracts, but I don't

7

have copies of anything.

8

Q You don't have any records of any of the

9

documents that you reviewed to research this issue?

10

A I may have at home, I am not sure. A lot

11

of times I just scan and make notes, but not of the

12

documents, just of the facts.

13

Q Do you recall any specific documents that

14

you researched with regard to this issue?

15

A I researched some about the length of time

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it takes for absorption of cocaine from the

17

intestinal tract. It was one article I recall from

18

the National Institute of Health and one from the

19

National Institute of Drug Abuse.

20

I did look up the effect of tasers on

21

certain body chemistry, because I am not familiar

22

with those agents, and that's basically -- There were

23

others, but I don't recall any others specifically.

24

Q Do you have any notes at home that would

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enable you --



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A No, I would put a note down like absorption, "X" numbers of hours or minutes, and half like equals and things like that, but nothing that would delineate the specific articles.

Q So you can't tell us any specific articles that you researched?

A The only one I can recall is from the National Institute of Health. I think that I do have it at home, I have the abstract, but not the article.

MS. DEJONG: I would like a copy of that abstract.

MR. TELESKA: Okay.

Q Do you recall what the title of the article was, do you recall?

A It had to do with the administration of known amounts of cocaine to chronic cocaine abusers or users and the length of time it takes for the cocaine to show up in the blood stream, etc., basically. I never got the entire article because I didn't want to pay for it.

Q So you can't tell me specifically the name of the article?

A No, I can't. I can't tell you the researchers either.

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Q You can't tell me the date of the article or anything like that?

A No, I know it's NAH and NIDA.

Q So that's one article?

A That one I recall and the others I don't recall specifically.

Q With regard to reading about the effects of tasers on the body chemistry, do you recall which articles you read with regard to that?

A No.

Q Was it one or more than one?

A There were a number of items.

Q Do you recall what the results of your research were with regard to that?

A That CPK's would only go up a small amount, no more than two to three times, and that lactacidosis occurs after the use of the agents.

Q After the use of what agents?

A The taser.

Q What do you mean by CPK?

A That's a blood chemistry.

Q What does that mean?

A The full name?

Q Yes.

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A Creatin Phosphokinase.

Q So as a result of reading these articles, did you have any opinion with regard to the effect of the taser on Mr. Bradway?

A No, I just wanted to know for my own edification what happens with the use of these agents and I did not review the hospital report in detail as to the medical course. Just the beginning times, when he got in, etc. I didn't want to spend anymore of Mr. Telesca's money doing a detailed evaluation of the hospital chart.

Q But back to the articles, you can't tell me any other articles specifically that you read?

A Not specifically. There was one, but it didn't -- No, it had no bearing on this. No, nothing else would have bearing on this.

Q About how much time did you spend researching for this opinion?

A A number of hours, eight, ten hours maybe.

Q How much time did you spend reviewing the documents that you have listed here?

A I can't tell you exactly. I would have to look that up, I have it at home. It depends on how thick they were and how many pages.

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Q So you don't recall?

A I don't have the exact delineation.

Q Can you give me an estimate?

A Eight hours, seven. I don't know. I am only guessing now. It's not really a valid guess.

Q I wouldn't want you to give us an invalid guess.

A Okay. We can hold it out. I can tell you almost exactly when I look at the records. I can't tell you offhand right now.

Q About how much time did you spend writing your report?

A Oh probably an hour, an hour and a half.

Q Okay.

On the second paragraph it states the last sentence: "I reserve the right to change this report on the presentation of new factual material."

A Right.

Q Have you changed your report in any way?

A No.

Q On the last paragraph of the second page you refer to, "An inordinate delay in obtaining medical care"?

A Correct.

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Q What were you referring to?

A Well, the length of time from the time it was discovered that he had ingested the material until he got to the hospital.

Q How long was that?

A 10:30, about an hour and a half.

Q Can you tell me, to your knowledge, is there an antidote for cocaine?

A No, there isn't.

Q What, to your knowledge, is the treatment for a cocaine overdose?

A The best way is to eliminate it from the body prior to absorption as fast as possible.

Q How do you do that?

A It could be done in two different ways; it can be vomited out, or taken out via tube, or it can be absorbed onto charcoal.

Q How long after a lethal injection of cocaine would Mr. Bradway start having seizures?

A I can't answer that question the way you phrased it.

Q Well, you say you read an article or several articles about the absorption of cocaine?

A Correct.

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Q Is there any indication from your having read those articles with regard to the rapidity with which cocaine goes into the system?

A Yes.

Q What did you learn from reading those articles?

A That it's approximately an hour.

Q An hour for what?

A Absorption.

Q Approximately an hour absorption of cocaine from the intestines into the blood stream?

A From the time of administration until it was detected in the blood, yes.

Q When you say, "time of administration", did you mean the time of ingestion?

A Yes.

Q Until it is?

A Until they get -- I think it was C-max, but I didn't read the --

Q Well, I don't know what C-max is.

A Maximum concentration in the blood stream.

Q That would be an hour?

A Correct.

Q What do you base this on?

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A Abstract that I read.

Q Is that the one you have a copy of?

A That's the one, I do have a copy of it.

MS. DEJONG: If I haven't asked  
for that before, I am asking for it now.

MR. TELESKA: We will get it.

Q What do you recall the hospital doing  
after Mr. Bradway went to the Emergency Room?

A He came into the hospital. They  
questioned him. They noticed that he was starting to  
get agitated. They gave him some medication. I  
really didn't spend much time after that. He had a  
seizure and after that I didn't really review the  
chart in detail.

Q Why didn't you review the chart in detail?

A I was only asked is there anything that  
could have been done. I try to answer the question  
that was posed to me and my answer was that if he had  
gotten to the hospital in a shorter period of time  
various things would have been done to help eliminate  
the material from the body. I can't answer to  
determine whether medical treatment was accurate or  
appropriate.

Q So what various things could have been

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done had Mr. Bradway gotten to the hospital earlier?

A They could have emptied the intestinal tract or administered the charcoal.

Q "Emptied the intestinal tract", what do you mean by that?

A Either putting a tube down, whether it was a nasogastric tube or Ewald tube, or having him vomit.

Q Do you know whether the hospital did that?

A I didn't see any evidence. They did put a tube in at some point in time, but I don't recall exactly when that was.

Q That tube was not to empty the intestinal track, was it?

A Well, once you put the tube into the stomach it automatically is placed to suction. It's got to be placed to something.

Q So are you saying that what the hospital did was they put a tube down his intestinal tract?

A There was a tube, a nasogastric tube placed, I recall that.

Q Do you recall how long after Mr. Bradway got to the hospital that, that happened?

A No.



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Q Do you recall what the first thing is that they did at the hospital with regard to the treatment of Mr. Bradway?

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5

A They took a history.

6

Q I am talking about treatment.

7

A Well, I remember he had gotten an injection of Ativan. That's all I really recall.

8

9

Q What is Ativan?

10

A Ativan is one of the benzothienophenes that helps reduce anxiety.

11

12

Q Do you recall when somebody at the hospital gave him his first dose of Ativan?

13

14

A It was soon after admission. He was admitted I think at 12:04. I think that it was given around 12:30, but I am not sure. I didn't go into memorizing when various medications were administered.

18

19

Q Do you recall what the next thing was that was done at the hospital with regard to the treatment after the first injection of Ativan?

21

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A No, I didn't go into any -- The quality of the medical care, what was done in the hospital, was not what I was asked to comment on so I didn't really in detail review the medical care.

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Q You state in your report that, "The ingestion of any non-labeled substance must be treated as a life threatening emergency"?

A Correct.

Q What do you mean by a non-labeled substance?

A Non-labeled substance in my world is something that is not in a pharmacy dispensed bottle.

Q Do you have any knowledge with regard to the type of cocaine that Mr. Bradway ingested?

A I don't know what you mean by the type of cocaine.

Q For instance, was it a powder cocaine, was it a crack cocaine?

A By what the Officers said, they saw a white powdery substance coming out of his mouth and on this clothing. I assume it not to be crack because that would be in a solid form. It was something that was in there. It could have been corn starch for all I know. I have no idea what they saw.

Q Do you have any idea as to what the strength or purity of the cocaine was that Mr. Bradway ingested?

A I have never seen any drug addict go to a

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pharmacy and pick up pure material and have it analyzed.

Q You don't know?

A I have absolutely no idea.

Q Do you have any idea as to how much cocaine, if it was cocaine, that Mr. Bradway ingested?

A I have no idea.

Q Do you have any idea as to whether or not Mr. Bradway had previously ingested cocaine in a condom, if he was mini-packer or a drug packer?

A I have no idea whether it was a -- I have absolutely no idea whatsoever if he body packed.

Q Could you tell me, what do you base your belief of this delay, the delay of approximately an hour --

A About.

Q -- was a substantial contributing factor leading to Mr. Bradway's death?

A In a one-hour period of time it gives any substance that may have been ingested a chance to be absorbed. The faster an unknown substance is removed from the body, or at least absorbed and neutralized, the less that's going to happen. So time is a very

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substantial factor in removing any unknown substance from the body.

Q Did you have any discussions with the medical examiner who did the autopsy?

A No, ma'am.

Q Did you have any discussions with anybody from the Town of South Hampton?

A No, ma'am.

Q Anybody from the hospital?

A No, ma'am.

MS. DEJONG: I have no further questions.

(Time Noted: 3:25 P.M.)

---

Richard S. Blum

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2011

---

Notary Public

I N D E X

<u>WITNESS:</u>	<u>EXAMINATION BY:</u>	<u>PAGES:</u>
Richard Blum	Ms. Dejong	4-51

E X H I B I T S

<u>DEFENDANT'S</u>	<u>PAGE/LINE</u>
--------------------	------------------

A	Curriculum Vitae	12/5
B	Fee Schedule	26/22
C	Report	38/2

I N S E R T S

<u>DESCRIPTION:</u>	<u>PAGE/LINE</u>
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1. State the names of any other cases from 2010.	28/22
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D O C U M E N T S   R E Q U E S T E D

<u>DESCRIPTION:</u>	<u>PAGE/LINE</u>
---------------------	------------------

1. Outline with regard to the Gutierrez, Hauben, Boyle, Harris, Bouhoutsos, Graham, Tedano, Espinal, Eichler, Dicker, Lee, Zullo, and Perillo cases.	36/6
2. Copy of abstract from National Institute of Health.	40/11


C E R T I F I C A T I O N

I, Edna Conway, a Shorthand Reporter and a  
Notary Public, within and for the State of New York,  
do hereby certify:

That the witness(es) whose testimony is  
hereinbefore set forth duly affirmed before me and  
that such testimony, along with the foregoing  
proceedings, is a true record of the testimony given  
by such witness(es).

I further certify that I am not related to  
any of the parties by blood or marriage, and that I  
am in no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand.

  
Edna Conway

# Richard S. Blum

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